

REMARKS

I. Introduction

Claims 1 to 22 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Amendments to Claims 19 and 21 Should be Entered

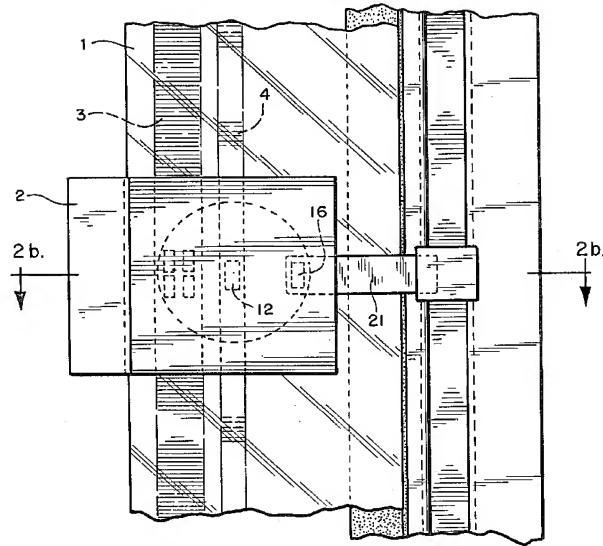
As an initial matter, the Examiner will note that claim 19 is amended herein without prejudice to rewrite claim 19 in independent form and that claim 21 is amended herein without prejudice to rewrite claim 21 in independent form. Thus, no new issues would be raised by the entry of these amendments.

III. Rejection of Claims 1 to 19 and 21 Under 35 U.S.C. § 103(a)

Claims 1 to 19 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,175,109 ("Setbacken et al.") and U.S. Patent No. 4,363,964 ("Schmitt"). It is respectfully submitted that the combination of Setbacken et al. and Schmitt does not render unpatentable the present claims for at least the following reasons.

As an initial matter, Applicants respectfully maintain that the present claims are patentable over the combination of Setbacken et al. and Schmitt for the reasons more fully set forth in the Amendment filed on June 26, 2008. For example, the Final Office Action contends that photosensitive elements 12, 13 and additional photosensitive element 16 described by Schmitt constitutes a detector system to scan a reference mark system, which the Final Office Action contends to constitute fixed reference marks 4. However, it is plainly apparent, for example from Figure 2a, reproduced below, that photosensitive element 16 is in no manner arranged to scan fixed reference marks 4.

FIG. 2a



Thus, it is untenable to consider additional photosensitive element 16 as a sensor of an additional detector system in the context of claims 1 and 18, which recite, for example, that “each of the at least two sensors of the additional detector system positioned to scan the reference mark system.” That is, since additional photosensitive element 16 is not positioned to scan a reference mark system, additional photosensitive element 16 cannot be considered to constitute a sensor of an additional detector system as presented in claims 1 and 18.

In addition, claims 1 and 18 recite an arrangement configured to cover the signal-sensitive surface of a sensor **of the at least two sensors of the additional detector system** not used for scanning to deactivate the sensor not used for scanning. As set forth above, the additional photosensitive element 16 described by Schmitt does not constitute a sensor of the additional detector system since the additional photosensitive element 16 is not positioned to scan a reference mark system. Consequently, an arrangement described by Schmitt that may be configured to cover the additional photosensitive element 16, e.g., the occluding screen 21, does not constitute the arrangement recited in claims 1 and 18. This is because the occluding screen 21 is not configured to cover a signal-sensitive surface of a sensor that is positioned to scan the reference marks 4.

In addition, the occluding screen 21 described by Schmitt does not serve to **deactivate** the additional photosensitive element 16. Rather, the occluding

screen 21 controls the illumination or non-illumination of the additional photosensitive element 16. There is no mention by Schmitt that the occluding screen 21 **deactivates** the additional photosensitive element 16.

The Final Office Action contends at page 4 that “the occluding screen 21 can blocked [sic] the illumination of the other photosensitive elements 12 and 13 since the occluding screen 21 is slidably mounted to move along the measuring direction.” However, this contention belies the description of the occluding screen 21 and is apparently based on a misapprehension of that description. In this regard, the occluding screen 21 is not movable horizontally in the viewpoint of Figure 2a. Rather, the occluding screen 21 is movable vertically in the viewpoint of Figure 2a, *i.e.*, the occluding screen is slidably mounted to move **along the measuring direction**.

For at least the foregoing reasons and those more fully set forth in the Amendment filed on June 26, 2008, it is respectfully submitted that the combination of Setbacken et al. and Schmitt does not disclose all of the features included in claims 1 and 18. It is therefore respectfully submitted that the combination of Setbacken et al. and Schmitt does not render unpatentable claims 1 and 18, or any of dependent claims 2 to 17, which ultimately depend from claim 1.

Concerning claims 19 and 21, as mentioned above, each of these claims has been rewritten in independent form to include all of the features of its respective base claim. As such, it is respectfully submitted that these claims are patentable over the combination of Setbacken et al. and Schmitt for at least the same reasons more fully set forth above in support of the patentability of claims 1 and 18. Moreover, these claims further recite that the arrangement **permanently covers** the signal-sensitive surface of the sensor of the at least two sensors of the additional detector system not used for scanning. The occluding screen 21 described by Schmitt does not **permanently cover** the additional photosensitive element 16. Rather, as described, for example, at col. 4, lines 31 to 44, the occluding screen 21 controls the illumination or non-illumination of the additional photosensitive element 16 and functions as a switching member. Accordingly, it is respectfully submitted that claims 19 and 21 are patentable over the combination of Setbacken et al. and Schmitt for at least this additional reason.

IV. Rejection of Claims 20 and 22 Under 35 U.S.C. § 103(a)

Claims 20 and 22 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Setbacken et al., Schmitt, and U.S. Patent No. 7,141,780 ("Homer et al."). It is respectfully submitted that the combination of Setbacken et al., Schmitt, and Homer et al. does not render unpatentable claims 20 and 22 for at least the following reasons.

Claim 20 depends from claim 1 and therefore includes all of the features included in claim 1, and claim 22 depends from claim 18 and therefore includes all of the features included in claim 18. As more fully set forth above, the combination of Setbacken et al. and Schmitt does not disclose all of the features included in claims 1 and 18. Homer et al. does not cure the deficiencies of Setbacken et al. and Schmitt. Accordingly, it is respectfully submitted that the combination of Setbacken et al., Schmitt, and Homer et al. does not render unpatentable claim 20, which depends from claim 1, or claim 22, which depends from claim 18.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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